HURT & PROFFITT INCORPORATED

April 1, 2022

Beth Howell, VMRC
380 Fenwick Road
Ft. Monroe, VA 23651

**RE: Dick & Willie Passage Trail Project (Phase 6A)**
**EN-15-044-035, P101, R201, M501, UPC: 107519, TAP-044-2(056)**
**Non-Tidal Joint Permit Application *(revised)***
**Henry County and Martinsville, Virginia**
**H&P Project 20171773**

Dear Beth,

Attached, please find a non-tidal Joint Permit Application (JPA) for the proposed Dick & Willie Passage Phase 6A Trail Project in Henry County (east of Martinsville). Please review this JPA, distribute to appropriate regulatory agencies for review and permitting, and call with any questions. No impacts to stream channels with watersheds larger than five square miles are proposed.

*Proposed Project*

The proposed project will involve construction of a new 10,742' Dick & Willie Passage Trail segment and 1,461' sidewalk connection (Phase 6A). This new trail section will extend from Dick & Willie Passage Trail Phase 5 (to the north) to the Spruce Street trailhead (to the south). To help minimize impacts and maintenance issues, the new trail will be located primarily within an existing cleared sanitary sewer line easement along the east side of Mulberry Creek. Due to its location within the Mulberry Creek floodplain, some culvert/piping (and culvert outlet riprap apron) impacts to tributaries and small adjacent wetland areas will be unavoidable. One aerial bridge crossing of Mulberry Creek is also planned near the southern / downstream terminus of this trail segment. The adjacent first-order tributary streams all have drainage areas less than 0.1 square mile each, and third-order Mulberry Creek has an approximate watershed area of 2.6 square miles. Total proposed stream and wetland impacts will be:

Total permanent wetland filling impact: 2,047 sf (0.05 ac)
Total permanent stream impact: 268 lf (culvert) + 23 lf (riprap aprons) = 291 lf (13.4 cy fill)
Total temporary stream crossing impact: 20 lf (500 sf / 0.01 ac)

*Existing Conditions*

The existing sanitary sewer line was installed in approximately 2007. The sewer line easement is approximately 50-100' wide, is regularly maintained/mowed, and is offset 20-50' east of Mulberry Creek. The 1,442' portion of the new trail corridor between the new Mulberry Creek trail bridge and Spruce Street is mature hardwood forest. Spruce Street itself is an existing roadway.

2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
800-242-4906 TOLL FREE
434-847-7796 MAIN
434-847-0047 FAX
www.HandP.com

*Water Quality*

The subject property is located within the Smith River-Mulberry Creek watershed (Hydrologic Unit Code 030101030803, RD26), which is part of the larger Upper Dan River Basin. Water quality in Mulberry Creek and its tributaries has not been evaluated by the Virginia Department of Environmental Quality (VDEQ). These stream channels are classified as Class III surface waters (Category 3A).

*Floodplains*

The Federal Emergency Management Agency (FEMA) online Flood Insurance Rate Map (FIRM) FIRMette mapping system indicates the presence of a mapped 80-100' wide Flood Hazard Area Zone A (100-year floodplain) along Mulberry Creek (per FEMA FIRMette Map Panel 51089C0162C, dated 9/26/2008). However, the majority of the regulated flood zone width is west of Mulberry Creek, rather than to the east (where the new trail corridor is located).

*Protected Species*

To document the potential presence of protected species nearby, records from three databases were reviewed for this report. These included the U.S. Fish and Wildlife Service (USFWS) ECOS-IPaC online system, the Virginia Department of Wildlife Resources (VDWR) VAFWIS online system, and the Virginia Department of Conservation and Recreation (VDCR) Natural Heritage Database Explorer (NHDE) online system. These databases indicated the potential presence of the following species in the surrounding area:

***Table 1: Protected Species***

| ***VDWR VAFWIS (common name)*** | ***Scientific name*** | ***Organism*** | ***Classification*** |
|---|---|---|---|
| Roanoke logperch | *Percina rex* | Fish | FESE |
| James spinymussel | *Parvaspina collina* | Mussel | FESE |
| Northern long-eared bat | *Myotis septentrionalis* | Mammal | FTST |
| Little brown bat | *Myotis lucifugus lucifugus* | Mammal | SE |
| Tri-colored bat | *Perimyotis subflavus* | Mammal | SE |
| Loggerhead shrike | *Lanius ludovicianus* | Bird | ST |
| Orangefin madtom | *Noturus gilberti* | Fish | ST |
| Migrant loggerhead shrike | *Lanius ludovicianus migrans* | Bird | ST |
| ***VDCR NHDE (common name)*** | ***Scientific name*** | ***Organism*** | ***Classification*** |
| N/A | *N/A* | N/A | N/A |
| ***USFWS IPaC (common name)*** | ***Scientific name*** | ***Organism*** | ***Classification*** |
| Northern long-eared bat | *Myotis septentrionalis* | Mammal | FTST |

*FE – Federal Endangered, FT – Federal Threatened, SE – State Endangered, ST – State Threatened*

Three aquatic species (two fish, and one mussel) and five terrestrial species (three bats, and two birds) were noted by the VAFWIS database. USFWS records included only northern long-eared bat. VDCR records did not include any listed Threatened or Endangered species. The proposed project should avoid significant impacts to forested terrestrial habitat, and should have only limited impacts to small first-order stream aquatic habitat. The affected stream channels are generally small (less than three feet width, and generally less than four inches deep), and are unlikely to provide suitable habitat for the noted aquatic species. The existing sewer line corridor is actively mowed/maintained. While this is limiting the extent of forest canopy somewhat, the mowed corridor does help maintain an ecotone area between adjacent upland habitats (which can benefit many species). To help minimize the potential for impacting these species, no tree clearing is proposed during the typical April 15-September 15 bat time-of-year restriction (TOYR) period (which also includes typical avian breeding seasons).

According to available VAFWIS records, Roanoke logperch were observed by VDEQ in the Smith River in 1999 (approximately 2.1 miles south of the project corridor). VAFWIS records also note that little brown bat observations were made nearby in 2006 (one mile southwest of project corridor) and in 2010 (two miles west of corridor). There were no confirmed sightings of the other noted species in proximity to the project corridor, though suitable terrestrial habitat may exist for various bat and bird species.

*Cultural Resources*

Available records from the Virginia Department of Historic Resources (VDHR) V-CRIS system have been evaluated for the proposed project site, to determine if any on-site or nearby resources are Eligible for Listing on the National Register of Historic Places (NRHP). VDHR-mapped cultural resources include the following:

***Table 2: Cultural Resources***

| Resource | VDHR ID | Location | VDHR Determination |
|---|---|---|---|
| Open-Air Terrestrial Site | 44HR0037 | Within 200' of trail | Not Evaluated |

The noted open-air terrestrial archaeological site was investigated in 1969 by a volunteer, and various artifacts were recovered. The VDHR V-CRIS system also notes 'Ballast Siding' as a previous/relic geographic location approximately 1,400' east of the trail project corridor. VDHR does not indicate the presence of a mapped cultural resource here, though. Ballast Siding may be a relic location associated with the previous Dick & Willie Railroad network.

*Conclusion*

Please contact us with any questions regarding this project. We can be reached at 540.520.1533 or via email (at bleatherland@handp.com).

Sincerely,
**HURT & PROFFITT, INC.**

Ben Leatherland, PWD, PWS
Sr. Environmental Scientist

Attachments:
Attachment A - Joint Permit Application Form
Attachment B - Maps and Figures
Attachment C - Photographs
Attachment D - Protected Species Database Records
Attachment E - Cultural Resource Records
Attachment F - Construction Drawing Excerpts

cc: Henry County (File)
File

# ATTACHMENT A

# JOINT PERMIT APPLICATION

Nationwide Permits (NWP) Effective **February 25, 2022**

Clean Water Act (CWA) Section 401 Certification Compliance

***(INITIAL ALL THAT APPLY)***

_____I am applying for written verification from the USACE of one or more of the following Nationwide Permits (NWP): **1, 2, 9, 10, 24, and 32.** As the VDEQ waived §401 Water Quality Certification for these NWPs, no further action needed.

_____I am applying for written verification from the USACE of **NWP 17.** As the DEQ denied General §401 Certification for this NWP, I understand that I must apply to the VDEQ for an Individual §401 Water Quality Certification decision.

__X__I am applying for written verification of one or more of the following NWPs: **4, 5, 6, 7, 8, 11, 15, 19, 20, 23, 25, 28, 30, 31, 34, 35, 37, 38, 41, 45, 46, 49, 53, and 54.** PLEASE SELECT ONE OF THE FOLLOWING.

_____ I attest that my project complies/will comply with all of the VDEQ's General §401 Water Quality Certification Conditions (A.1-A.12) listed in Appendix A.

***OR***

__X__ I am applying to the VDEQ for a VWP Permit or Coverage decision and/or an Individual §401 Water Quality Certification decision.

_____I am applying for written verification of one or more of the following NWPs: **3, 13, 14, 16, 18, 22, 27, 33, 36, 59.** PLEASE SELECT ONE OF THE FOLLOWING.

_____ I attest that my project complies/will comply with all of the NWP-specific, General §401 Water Quality Certification Conditions (A.1-A.12 listedin Appendix A.), and impact thresholds.

***OR***

_____ I am applying to the VDEQ for a VWP Permit or Coverage decision and/or an Individual §401 Water Quality Certification decision.

Ben Luthentall

_____

Applicant/Agent Signature and Date

Dick & Willie Passage Trail, Phase 6A

_____

Project Name

| FOR AGENCY USE ONLY | |
|---|---|
| | Notes: |
| JPA# | |

# APPLICANTS

**PLEASE PRINT OR TYPE ALL ANSWERS.** If a question does not apply to your project, please print N/A (not applicable) in the space provided. ***If additional space is needed, attach extra 8 ½ x 11 inch sheets of paper.***

| ***Check all that apply*** | | | |
|---|---|---|---|
| ☐ Pre-Construction Notification (PCN)<br>☑ NWP # 23<br>☐ RP # 05<br>(*For NWPs & RP 05 ONLY - No DEQ-VWP permit writer will be assigned*) | ☐ SPGP | ☐ DEQ Reapplication<br>Existing permit number: | ☐ Receiving federal funds<br>Agency providing funding: |
| ☐ Regional Permit 17 Checklist (RP-17) | | | |

***PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)***

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

| Agency | Action / Activity | Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13) | Date of Action | If denied, give reason for denial |
|---|---|---|---|---|
| USACE | NWP 23 permit authorization | NAO-2017-00615 | 4/26/2021 | N/A |
| USACE | PJD approval | NAO-2017-00615 | 2/18/2021 | N/A |

**1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION**
**The applicant(s) is/are the legal entity to which the permit may be issued (see How to Apply at beginning of form). The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). If a company, please also provide the company name that is registered with the State Corporation Commission (SCC), or indicate no registration with the SCC.**

| Legal Name(s) of Applicant(s) | | | Agent (if applicable) | | |
|---|---|---|---|---|---|
| Henry County (Tim Pace, PE) | | | Hurt & Proffitt, Inc. | | |
| Mailing address<br>PO Box 7 | | | Mailing address<br>2524 Langhorne Road | | |
| City<br>Collinsville | State<br>VA | ZIP Code<br>24078 | City<br>Lynchburg | State<br>VA | ZIP Code<br>24501 |
| Phone number w/area code<br>276-634-4601 | Fax<br>N/A | | Phone number w/area code<br>434.847.7796 | Fax<br>434.847.0047 | |
| Mobile<br>276-732-1182 | E-mail<br>tpace@co.henry.va.us | | Mobile<br>540.520.1533 | E-mail<br>bleatherland@handp.com | |
| State Corporation Commission Name and ID number (if applicable)<br>N/A | | | State Corporation Commission Name and ID number (if applicable)<br>Fed Tax ID 54-0924377, SCC 0142895-2 | | |

***Certain permits or permit authorizations may be provided via electronic mail. If the applicant wishes to receive their permit via electronic mail, please provide an e-mail address here:*** tpace@co.henry.va.us, bleatherland@handp.com

## 1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION (Continued)

| Property owner(s) legal name, if different from applicant | | | Contractor, if known | | |
|---|---|---|---|---|---|
| Same as above | | | | | |
| Mailing address | | | Mailing address | | |
| City | State | ZIP code | City | State | ZIP code |
| Phone number w/area code | Fax | | Phone number w/area code | Fax | |
| Mobile | E-mail | | Mobile | E-mail | |
| State Corporation Commission Name and ID number (if applicable) | | | State Corporation Commission Name ID number (if applicable) | | |

## 2. PROJECT LOCATION INFORMATION

**(Attach a copy of a detailed map, such as a USGS topographic map or street map showing the site location and project boundary, so that it may be located for inspection. Include an arrow indicating the north direction. Include the drainage area if the SPGP box is checked on Page 7.)**

| Street Address (911 address if available) | City/County/ZIP Code |
|---|---|
| N/A | Henry County, VA 24112 |
| Subdivision | Lot/Block/Parcel # |
| N/A | 43.4(026)000/013,15,17,18,19,22,and 25B, and 42.9(012)000/025A |

Name of water body(ies) within project boundaries and drainage area (acres or square miles).
Mulberry Creek (2.6 sq mile watershed) / Spruce Street storm drains flow to tributaries (but no stream impact)

Tributary(ies) to: Mulberry Creek
Basin: Upper Dan River Sub-basin: Lower Smith River
(*Example: Basin: James River Sub-basin: Middle James River*)

Special Standards (based on DEQ Water Quality Standards 9VAC25-260 et seq.): N/A (VDEQ Class III, Category 3A surface waters)

Project type (check one)

_____ Single user (private, non-commercial, residential)
X Multi-user (community, commercial, industrial, government)
_____ Surface water withdrawal

Latitude and longitude at center of project site (decimal degrees): 36.681343 N / -79.835670 W
(Example: 37.33164/-77.68200)

USGS topographic map name: Martinsville East, Virginia

8-digit USGS Hydrologic Unit Code (HUC) for your project site (See http://cfpub.epa.gov/surf/locate/index.cfm ): 03010103
If known, indicate the 10-digit and 12-digit USGS HUCs (see http://consapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm) :
0301010308 Lower Smith River (VAHU5: RD-F) 030101030803 Smith River - Mulberry Creek (VAHU6: RD26)

Name of your project (*Example: Water Creek driveway crossing*) Dick & Willie Passage Phase 6A Trail Project

Is there an access road to the project? ☐ Yes ☑ No. If yes, check all that apply: ☐ public ☐ private ☐ improved ☐ unimproved

Total size of the project area (in acres): Approximately 8.3 acres

**2. PROJECT LOCATION INFORMATION (Continued)**

Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections:

From Martinsville, take Spruce St southeast. After passing the intersection with Spruce St Extension/Grattan Rd, the proposed trail will connect to the northeast side of Spruce St and will continue north to the existing Phase 5 segment.

Does your project site cross boundaries of two or more localities (i.e., cities/counties/towns)? ☐ Yes ☑ No

If so, name those localities: N/A

**3. DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY *PURPOSES*, PROJECT *NEED*, INTENDED USE(S), AND ALTERNATIVES CONSIDERED** (Attach additional sheets if necessary)

- The purpose and need must include any new development or expansion of an existing land use and/or proposed future use of residual land.
- Describe the physical alteration of surface waters, including the use of pilings (#, materials), vibratory hammers, explosives, and hydraulic dredging, when applicable, and *whether or not tree clearing will occur* (include the area in square feet and time of year).
- Include a description of alternatives considered and measures taken to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure
- For utility crossings, include both alternative routes and alternative construction methodologies considered
- For surface water withdrawals, public surface water supply withdrawals, or projects that will alter in stream flows, include the water supply issues that form the basis of the proposed project.

The proposed project will involve construction of a new 10,742' Dick & Willie Railroad Trail segment (Phase 6A). This new trail section will extend from Dick & Willie Railroad Trail Phase 5 (to the north) to Spruce Street (to the south). To help minimize impacts and maintenance issues, the new trail will be located within an existing cleared sanitary sewer line easement along the east side of Mulberry Creek. Due to its location on the Mulberry Creek floodplain, some culvert/piping (and culvert outlet riprap apron) impacts to tributaries and small adjacent wetland areas will be unavoidable. One aerial bridge crossing (and temporary crossing) of Mulberry Creek is also planned near the southern / downstream terminus of this trail segment. Finally, in locations where the adjacent Mulberry Creek streambank is close to the proposed trail corridor, some limited streambank stabilization is also proposed. The adjacent first-order tributary streams all have drainage areas less than 0.1 square mile each, and third-order Mulberry Creek has an approximate watershed area of 2.6 square miles.

| Date of proposed commencement of work (MM/DD/YYYY) | Date of proposed completion of work (MM/DD/YYYY) |
|---|---|
| 06/01/2022 | 06/01/2023 |
| Are you submitting this application at the direction of any state, local, or federal agency? _____Yes _x_____No | Has any work commenced or has any portion of the project for which you are seeking a permit been completed? _____ Yes ___X___ No |

If you answered "yes" to either question above, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. In addition, you will need to clearly differentiate between completed work and proposed work on your project drawings.

N/A

Are you aware of any unresolved violations of environmental law or litigation involving the property? _____Yes ___X___No

(If yes, please explain)

N/A

## 4. PROJECT COSTS

Approximate cost of the entire project, including materials and labor: $ 2,250,000
Approximate cost of only the portion of the project affecting state waters (channelward of mean low water in tidal areas and below ordinary high water mark in nontidal areas): $ 80,000

## 5. PUBLIC NOTIFICATION (Attach additional sheets if necessary)

Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove. If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line. Per Army Regulation (AR 25-51) outgoing correspondence must be addressed to a person or business.
***Failure to provide this information may result in a delay in the processing of your application by VMRC.***

| Property owner's name | Mailing address | City | State | ZIP code |
|---|---|---|---|---|
| Christine Kellam | 274 Park Lane | Martinsville | VA | 24112 |
| HN and Thomas Dyer | PO Box 1406 | Charlottesville | VA | 22902 |
| HN and Thomas Dyer | PO Box 1406 | Charlottesville | VA | 22902 |
| HN and Thomas Dyer | PO Box 1406 | Charlottesville | VA | 22902 |
| Thomas Dyer | PO Box 889 | Rural Hall | NC | 27045 |

Name of newspaper having general circulation in the area of the project: The Martinsville Bulletin
Address and phone number (including area code) of newspaper: PO Box 3711 (204 Broad Street), Martinsville, VA 24115 (276-638-8801

Have adjacent property owners been notified with forms in Appendix A? _____Yes X No (attach copies of distributed forms)

## 6. THREATENED AND ENDANGERED SPECIES INFORMATION

Please provide any information concerning the potential for your project to impact state and/or federally threatened and endangered species (listed or proposed). Attach correspondence from agencies and/or reference materials that address potential impacts, such as database search results or confirmed waters and wetlands delineation/jurisdictional determination. Include information when applicable regarding the location of the project in Endangered Species Act-designated or -critical habitats. Contact information for the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Virginia Dept. of Game and Inland Fisheries, and the Virginia Dept. of Conservation and Recreation-Division of Natural Heritage can be found on page 4 of this package.

## 7. HISTORIC RESOURCES INFORMATION

*Note: Historic properties include but are not limited to archeological sites, battlefields, Civil War earthworks, graveyards, buildings, bridges, canals, etc. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

Are any historic properties located within or adjacent to the project site? ____ Yes X No _____ Uncertain
If Yes, please provide a map showing the location of the historic property within or adjacent to the project site.

Are there any buildings or structures 50 years old or older located on the project site? ____ Yes X No _____ Uncertain
If Yes, please provide a map showing the location of these buildings or structures on the project site.

Is your project located within a historic district? ____ Yes X No ____ Uncertain

If Yes, please indicate which district: N/A

## 7. HISTORIC RESOURCES INFORMATION (Continued)

Has a survey to locate archeological sites and/or historic structures been carried out on the property?
___ Yes x___ No ___ Uncertain

If Yes, please provide the following information: Date of Survey: N/A

Name of firm: N/A

Is there a report on file with the Virginia Department of Historic Resources? ____ Yes ____ No X Uncertain

Title of Cultural Resources Management (CRM) report: N/A

Was any historic property located? ____ Yes ____ No X Uncertain

## 8. WETLANDS, WATERS, AND DUNES/BEACHES IMPACT INFORMATION

**Report each impact site in a separate column. If needed, attach additional sheets using a similar table format. Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, use Section 17.**

| | Impact site number 1 | Impact site number 2 | Impact site number 3 | Impact site number 4 | Impact site number 5 |
|---|---|---|---|---|---|
| Impact description (use all that apply):<br>F=fill<br>EX=excavation<br>S=Structure<br>T=tidal<br>NT=non-tidal<br>TE=temporary<br>PE=permanent<br>PR=perennial<br>IN=intermittent<br>SB=subaqueous bottom<br>DB=dune/beach<br>IS=hydrologically isolated<br>V=vegetated<br>NV=non-vegetated<br>MC=Mechanized Clearing of PFO<br>(*Example: F, NT, PE, V)* | See Attached | | | | |
| Latitude / Longitude (in decimal degrees) | | | | | |
| Wetland/waters impact area<br>(square feet / acres) | | | | | |
| Dune/beach impact area (square feet) | | | | | |
| Stream dimensions at impact site<br>(length and average width in linear feet, and area in square feet) | | | | | |
| Volume of fill below Mean High Water or Ordinary High Water (cubic yards) | | | | | |

***Dick & Willie Passage Trail Phase 6 Project***

| | **New and Replacement Culverts** *(net impact)* | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Impact Site | **1** | **2** | **4** | **5** | **8** | **11** | **21** | **24** |
| Feature | Stream 1 | Stream 2 | Stream 3 | Stream 4 | Stream 5 | Stream 6 | Stream 7 | Stream 8 |
| Impact Description | F, NT, PE, IN, NV | F, NT, PE, IN, NV | F, NT, PE, PR, NV | F, NT, PE, IN, NV | F, NT, PE, IN, NV | F, NT, PE, IN, NV | F, NT, PE, IN, NV | F, NT, PE, PR, NV |
| Latitude | 36.687768 N | 36.685790 N | 36.684308 N | 36.683295 N | 36.681763 N | 36.681204 N | 36.676442 N | 36.674493 N |
| Longitude | -79.834394 W | -79.834244 W | -79.833964 W | -79.834511 W | -79.835289 W | -79.835808 W | -79.839771 W | -79.839011 W |
| Wetland/Waters Impact Area (sf) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wetland/Waters Impact Area (acres) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dune/Beach Impact Area | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Stream Dimensions at Impact Site (length, in lf) | 36 | 45 | 28 | 31 | 30 | 35 | 29 | 34 |
| Stream Dimensions at Impact Site (ave width, in ft) | 2 | 2 | 3 | 2 | 1.5 | 1.5 | 2 | 3 |
| Stream Dimensions at Impact Site (area, in sf) | 72 | 90 | 84 | 62 | 45 | 52.5 | 58 | 102 |
| Volume of Fill Below OHWM (cy) | 1.3 | 1.7 | 2.3 | 1.1 | 0.8 | 1.0 | 1.1 | 1.9 |
| Cowardin Classification / Stream Classification | G4c/G5c | G4c/G5c | G4c/G5c | G4c/G5c | G4c/G5c | G4c/G5c | G4c/G5c | G4c/G5c |
| Ave. Stream Flow (cfs) | < 5 | < 5 | < 5 | < 5 | < 5 | < 5 | < 5 | < 5 |
| Contributing Drainage Area (ac) | 11 | 22 | 32 | 23 | 6 | 6 | 14 | 44 |
| DEQ Classification | Class III | Class III | Class III | Class III | Class III | Class III | Class III | Class III |
| Station (STA) | 9+25 | 17+25 | 23+00 | 27+50 | 33+50 | 36+75 | 73+00 | 81+50 |

| | **Riprap Outlet Apron Stabilization (Along Mulberry Creek Streambank)** | | | | |
|---|---|---|---|---|---|
| Impact Site | **3** | **13** | **14** | **18** | **23** |
| Feature | Mulberry Creek | Mulberry Creek | Mulberry Creek | Mulberry Creek | Mulberry Creek |
| Impact Description | F, NT, PE, PR, NV | F, NT, PE, PR, NV | F, NT, PE, PR, NV | F, NT, PE, PR, NV | F, NT, PE, PR, NV |
| Latitude | 36.684890 N | 36.681360 N | 36.680270 N | 36.679820 N | 36.675630 N |
| Longitude | -79.834360 W | - 79.836830 W | -79.837520 W | -79.838730 W | -79.839300 W |
| Wetland/Waters Impact Area (sf) | 0 | 0 | 0 | 0 | 0 |
| Wetland/Waters Impact Area (acres) | 0 | 0 | 0 | 0 | 0 |
| Dune/Beach Impact Area | N/A | N/A | N/A | N/A | N/A |
| Stream Dimensions at Impact Site (length, in lf) | 3 | 5 | 5 | 5 | 5 |
| Stream Dimensions at Impact Site (ave width, in ft) | 25 | 25 | 25 | 25 | 1.5 |
| Stream Dimensions at Impact Site (area, in sf) | 9 | 15 | 15 | 15 | 7.5 |
| Volume of Fill Below OHWM (cy) | 0.3 | 0.6 | 0.6 | 0.6 | 0.1 |
| Cowardin Classification / Stream Classification | C4 | C4 | C4 | C4 | C4 |
| Ave. Stream Flow (cfs) | 20 | 20 | 20 | 20 | 20 |
| Contributing Drainage Area (ac) | 1,664 | 1,664 | 1,664 | 1,664 | 1,664 |
| DEQ Classification | Class III | Class III | Class III | Class III | Class III |
| Station (STA) | 20+75 | 41+25 | 46+00 | 66+50 | 76+75 |

| **Bridge** | **Temp Crossing** |
|---|---|
| **27a** | **27b** |
| Mulberry Creek | Mulberry Creek |
| NT, PR, NV | F, NT, TE, PR, NV |
| 36.671800 N | 36.671800 N |
| -79.836800 W | -79.836800 W |
| 0 | 0 |
| 0 | 0 |
| N/A | N/A |
| 20 | 20 |
| 25 | 25 |
| 0 | 500 |
| 0.0 | 0.0 |
| C4 | C4 |
| 20 | 20 |
| 1,664 | 1,664 |
| Class III | Class III |
| 93+25 | 93+25 |

| | **Wetland Filling** | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Impact Site | **6** | ~~**7**~~ | ~~**10**~~ | ~~**12**~~ | ~~**19**~~ | **20** | **22** | **25** |
| Feature | Wetland A | ~~Wetland B~~ | ~~Wetland C~~ | ~~Wetland C~~ | ~~Wetland D~~ | Wetland E | Wetland E | Wetland F |
| Impact Description | F, NT, PE, V | ~~F, NT, PE, V~~ | ~~F, NT, PE, V~~ | ~~F, NT, PE, V~~ | ~~F, NT, PE, V~~ | F, NT, PE, V | F, NT, PE, V | F, NT, PE, V |
| Latitude | 36.682797 | ~~36.681763~~ | ~~36.68127~~ | ~~36.68127~~ | ~~36.677070 N~~ | 36.676442 | 36.676442 | 36.674007 |
| Longitude | -79.834693 | ~~-79.835289~~ | ~~-79.83575~~ | ~~-79.83575~~ | ~~-79.840800 W~~ | -79.839771 | -79.839771 | -79.838568 |
| Wetland/Waters Impact Area (sf) | 436 | ~~0~~ | ~~0~~ | ~~0~~ | ~~0~~ | 871 | 305 | 436 |
| Wetland/Waters Impact Area (acres) | 0.010 | ~~0.000~~ | ~~0.000~~ | ~~0.000~~ | ~~0.000~~ | 0.020 | 0.007 | 0.010 |
| Dune/Beach Impact Area | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Stream Dimensions at Impact Site (length, in lf) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Stream Dimensions at Impact Site (ave width, in ft) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Stream Dimensions at Impact Site (area, in sf) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Volume of Fill Below OHWM (cy) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Cowardin Classification / Stream Classification | PEM1A | ~~PEM1A~~ | ~~PEM1A~~ | ~~PEM1A~~ | ~~PEM1A~~ | PEM1A | PEM1A | PEM1A |
| Ave. Stream Flow (cfs) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| Contributing Drainage Area (ac) | N/A | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | ~~N/A~~ | N/A | N/A | N/A |
| DEQ Classification | Class VII | ~~Class VII~~ | ~~Class VII~~ | ~~Class VII~~ | ~~Class VII~~ | Class VII | Class VII | Class VII |
| Station (STA) | 29+00 | ~~33+50~~ | ~~36+75~~ | ~~37+00~~ | ~~68+00~~ | 72+75 | 73+25 | 83+25 |

| | |
|---|---|
| Total proposed culvert length (impact), lf: | **268** |
| Total proposed culvert fill volume (impact), cy: | 11.3 |
| Total riprap outlet apron/streambank stabilization (impact), lf: | **23** |
| Total riprap outlet apron/streambank stabilization (impact), cy: | 2.1 |
| Total wetland filling volume (impact), ac: | **0.047** |
| Total wetland filling volume (impact), sf: | 2,047 |
| Temporary stream crossing impact, ac: | 0.011 |
| Temporary stream crossing impact, sf: | 500 |

*Note: No impacts at the following riprap aprons locations, since no fill material is proposed below the OHWM elevation:*

| | | | | |
|---|---|---|---|---|
| *Impact Site* | *15* | *16* | *17* | *26* |
| *Station (STA)* | *49+25* | *53+75* | *59+25* | *84+25* |

| 8. WETLANDS/WATERS IMPACT INFORMATION (Continued) | | | | | |
|---|---|---|---|---|---|
| Cowardin classification of impacted wetland/water or geomorphological classification of stream *Example wetland: PFO; Example stream: 'C' channel and if tidal, whether vegetated or non-vegetated wetlands per Section 28.2-1300 of the Code of Virginia* | See Attached | | | | |
| Average stream flow at site (flow rate under normal rainfall conditions in cubic feet per second) and method of deriving it (gage, estimate, etc.) | | | | | |
| Contributing drainage area in acres or square miles (*VMRC cannot complete review without this information*) | | | | | |
| DEQ classification of impacted resource(s):<br>Estuarine Class II<br>Non-tidal waters Class III<br>Mountainous zone waters Class IV<br>Stockable trout waters Class V<br>Natural trout waters Class VI<br>Wetlands Class VII<br>https://law.lis.virginia.gov | | | | | |
| **For DEQ permitting purposes, also submit as part of this section a wetland and waters boundary delineation map – see (3) in the Footnotes section in the form instructions.** | | | | | |
| **For DEQ permitting purposes, also submit as part of this section a written disclosure of all wetlands, open water, or streams that are located within the proposed project or compensation areas that are also under a deed restriction, conservation easement, restrictive covenant, or other land-use protective instrument.** | | | | | |

## 9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS

***READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING***

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## 9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS (Continued)

*Is/Are the Applicant(s) and Owner(s) the same?* ☐ *Yes* ☑ *No*

| Legal name & title of Applicant | Second applicant's legal name & title, if applicable |
|---|---|
| Henry County, VA (Tim Pace, PE) | N/A |
| Applicant's signature  | Second applicant's signature |
| Date 4/5/22 | Date |
| Property owner's legal name, if different from Applicant | Second property owner's legal name, if applicable |
| Property owner's signature, if different from Applicant | Second property owner's signature |
| Date | Date |

### *CERTIFICATION OF AUTHORIZATION TO ALLOW AGENT(S) TO ACT ON APPLICANT'S(S') BEHALF (IF APPLICABLE)*

I (we), Henry County, VA (and) N/A ,
APPLICANT'S LEGAL NAME(S) – *complete the second blank if more than one Applicant*

hereby certify that I (we) have authorized Hurt & Proffitt (and) N/A
AGENT'S NAME(S) – *complete the second blank if more than one Agent*

to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge.

| Applicant's signature  | Second applicant's signature, if applicable |
|---|---|
| Date 4/5/22 | Date |
| Agent's signature and title | Second agent's signature and title, if applicable |
| Date | Date |

### *CONTRACTOR ACKNOWLEDGEMENT (IF APPLICABLE)*

I (we), _____ (and) _____ ,
APPLICANT'S LEGAL NAME(S) – *complete the second blank if more than one Applicant*

have contracted _____ (and) _____
CONTRACTOR'S NAME(S) – *complete the second blank if more than one Contractor*

to perform the work described in this Joint Permit Application, signed and dated _____.

I (we) will read and abide by all conditions as set forth in all federal, state, and local permits as required for this project. I (we) understand that failure to follow the conditions of the permits may constitute a violation of applicable federal, state, and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes.
In addition, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (we) understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all of the terms and conditions.

| Contractor's name or name of firm (printed/typed) | Contractor's or firm's mailing address | |
|---|---|---|
| Contractor's signature and title | Contractor's license number | Date |
| Applicant's signature | Second applicant's signature, if applicable | |
| Date | Date | |

**17. DREDGING, MINING, AND EXCAVATING (Continued)**

*For mining projects:* On separate sheets of paper, explain the operation plans, including: 1) the frequency (e.g., every six weeks), duration (i.e., April through September), and volume (in cubic yards) to be removed per operation; 2) the temporary storage and handling methods of mined material, including the dimensions of the containment berm used for upland disposal of dredged material and the need (or no need) for a liner or impermeable material to prevent the leaching of any identified contaminants into ground water; 3) how equipment will access the mine site; and 4) verification that dredging: a) will not occur in water body segments that are currently on the effective Section 303(d) Total Maximum Daily Load (TMDL) priority list (available at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/TMDLProgramPriorities.aspx) or that have an approved TMDL; b) will not exacerbate any impairment; and c) will be consistent with any waste load allocation/limit/conditions imposed by an approved TMDL (see, "What's in my backyard" or subsequent spatial files at http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx to determine the extent of TMDL watersheds and impairment segments).

*Have you applied for a permit from the Virginia Department of Mines, Minerals and Energy?* _____Yes _____No If Yes:
Existing permit number:_____ Date permit issued: _____

| | |
|---|---|
| Contributing drainage area: _____square miles | Average stream flow at site (flow rate under normal rainfall conditions): _____cfs |

**18. FILL (not associated with backfilled shoreline structures) AND OTHER STRUCTURES (other than piers and boathouses) IN WETLANDS OR WATERS, OR ON DUNES/BEACHES**

Source and composition of fill material (percentage sand, silt, clay, rock):

On-site clean fill soil (loam, 30% sand, 30% clay, 30% silt), new culvert pipe, and clean quarried riprap

Provide documentation (i.e., laboratory results or analytical reports) that *fill* material from *off-site* locations is free of toxics. If not free of toxics, provide documentation of proper disposal (i.e., bill of lading from commercial supplier or disposal site). Documentation is not necessary for fill material obtained from on-site areas.

Explain the purpose of the filling activity and the type of structure to be constructed over the filled area (if any):

Fill is required for culvert installations, riprap is necessary for energy dissipation at culvert outlets

Describe any structure that will be placed in wetlands/waters or on a beach dune and its purpose:

Some fill soil will be required in wetland areas, to create a stable recreational trail surface

| | |
|---|---|
| Will the structure be placed on pilings? ____ Yes x____ No | Total area occupied by any structure. x_____ Square Feet |
| How far will the structure be placed channelward from the back edge of the dune? x_____feet | How far will the structure be placed channelward from the back edge of the beach? x_____feet |

**19. NONTIDAL STREAM CHANNEL MODIFICATIONS FOR RESTORATION OR ENHANCMENT, or TEMPORARY OR PERMANENT RELOCATIONS**

*If proposed activities are being conducted for the purposes of compensatory mitigation, please attach separate sheets of paper providing all information required by the most recent version of the stream assessment methodology approved by the Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality, in lieu of completing the questions below. Required information outlined by the methodology can be found at:*
http://www.nao.usace.army.mil/Missions/Regulatory/UnifiedStreamMethodology.aspx *or*
http://www.deq.virginia.gov/Programs/Water/WetlandsStreams/Mitigation.aspx.

*For all projects proposing stream restoration provide a completed Natural Channel Design Review Checklist and Selected Morphological Characteristics form. These forms and the associated manual can be located at:*
https://www.fws.gov/chesapeakebay/StreamReports/NCD%20Review%20Checklist/Natural%20Channel%20Design%20Checklist%20Doc%20V2%20Final%2011-4-11.pdf

Has the stream restoration project been designed by a local, state, or federal agency? ____ Yes ____ No. If yes, please include the name of the agency here: _____.

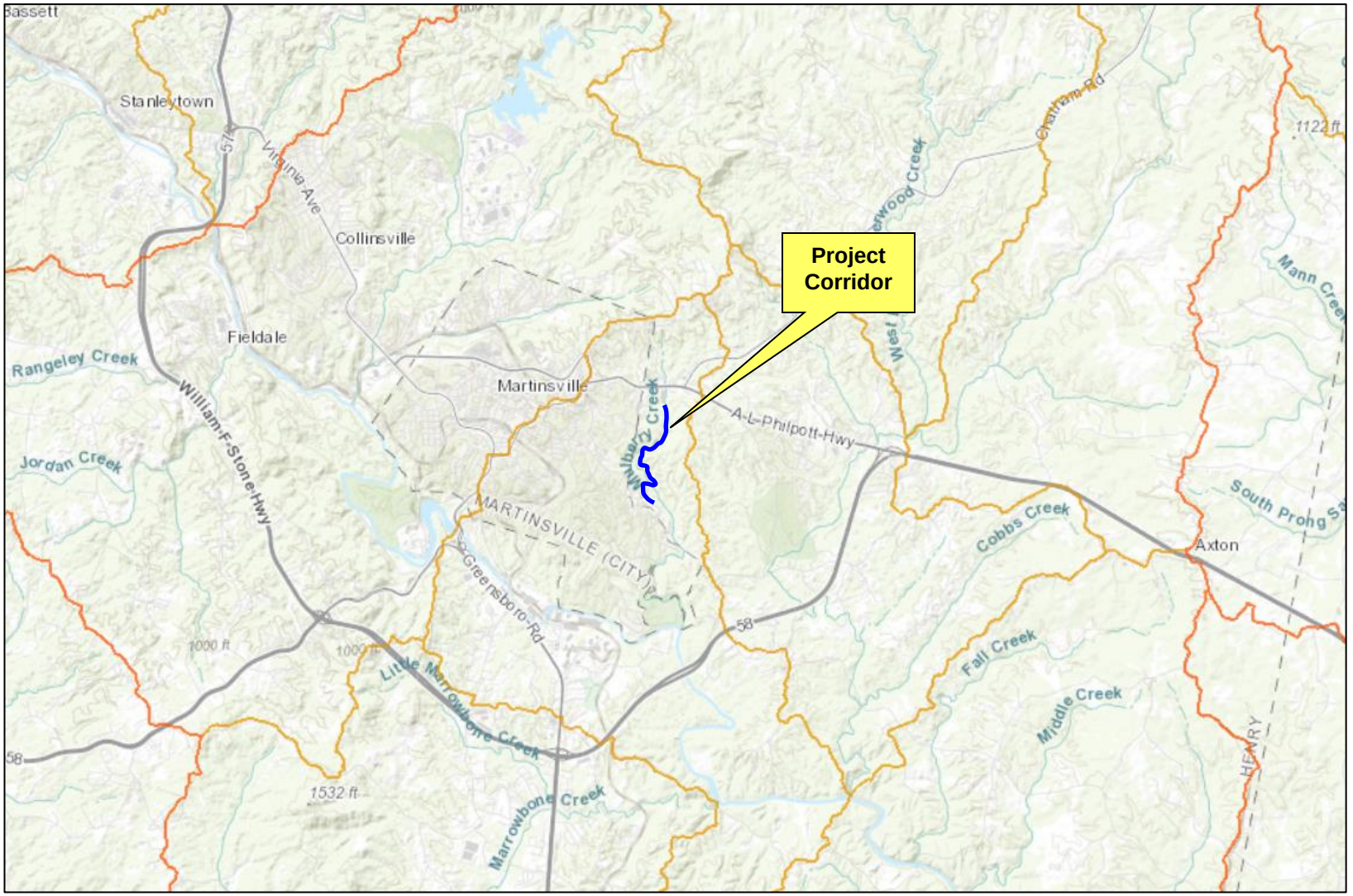
Is the agency also providing funding for this project? _____ Yes _____ No

Stream dimensions at impact site (length and average width in linear feet, and area in square feet):
L: _____(feet) AW:_____ (feet) Area:_____ (square feet)

Contributing drainage area: _____acres *or* _____square miles

# ATTACHMENT B

# MAPS AND FIGURES

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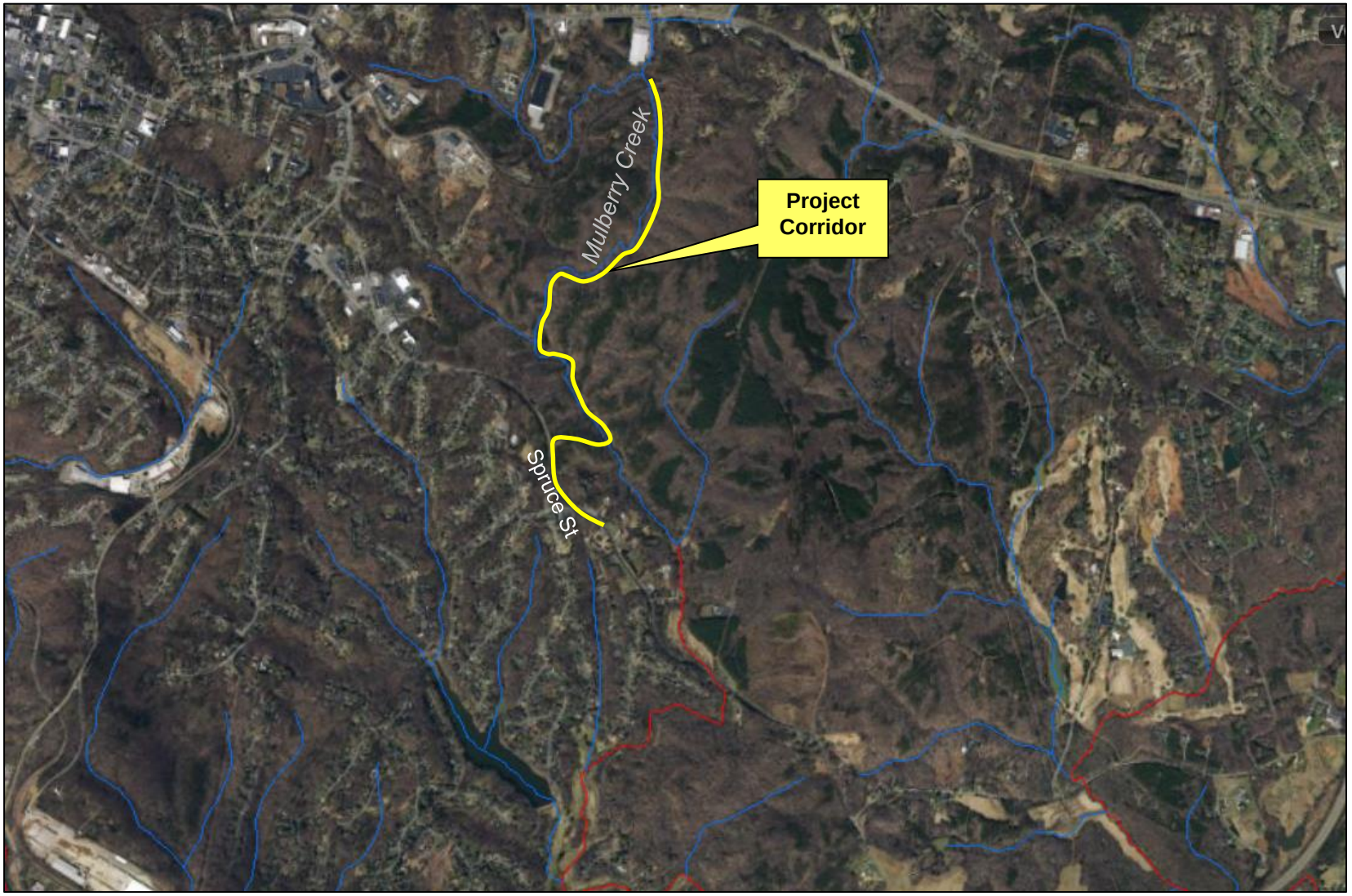
**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: VDEQ Hydrologic Unit Explorer (2020) NTS*

**Figure 1**

Watershed Map

N

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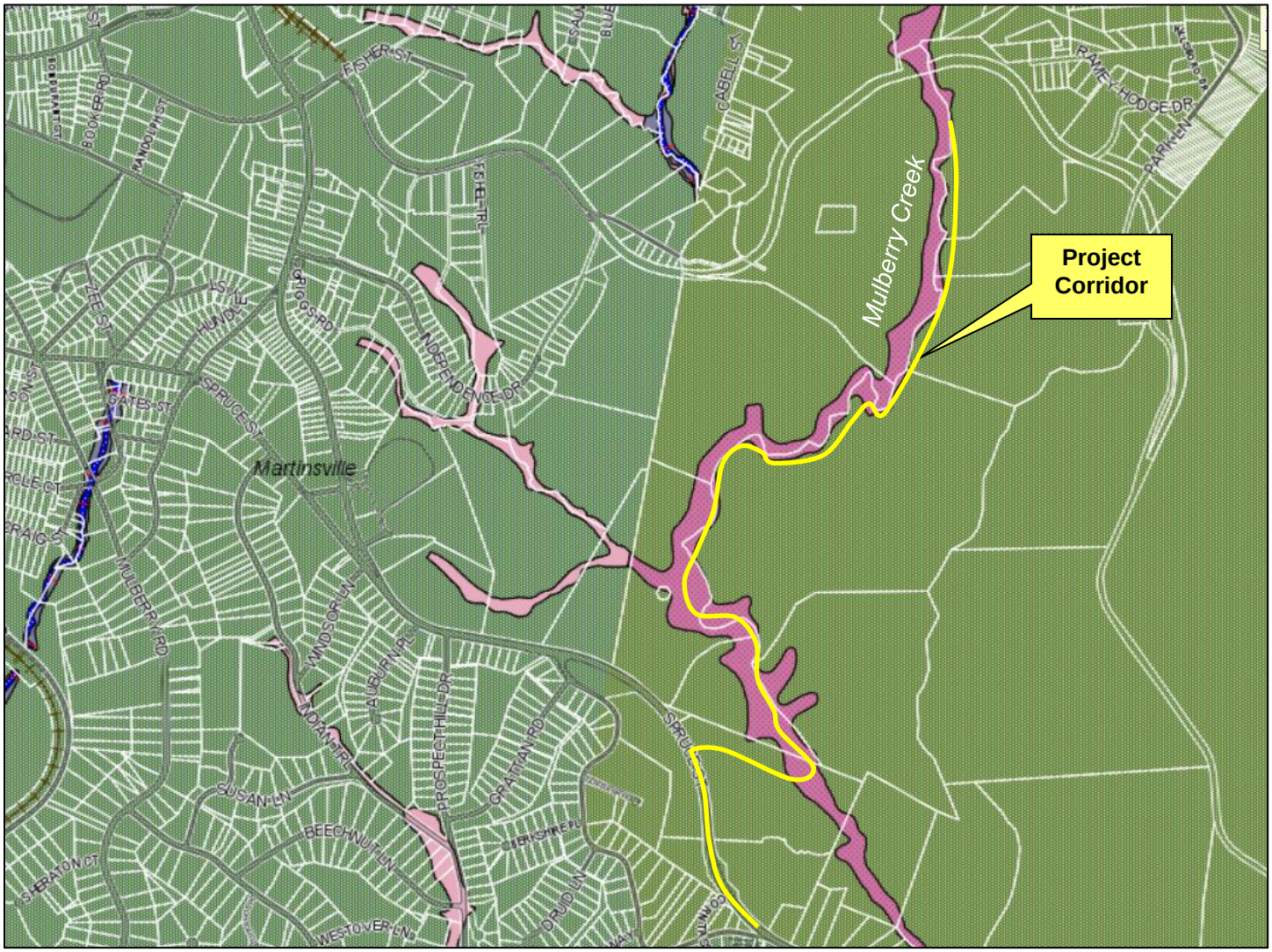
**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: VDEQ VEGIS system (2020) NTS*

**Figure 2**

Aerial Photograph

N

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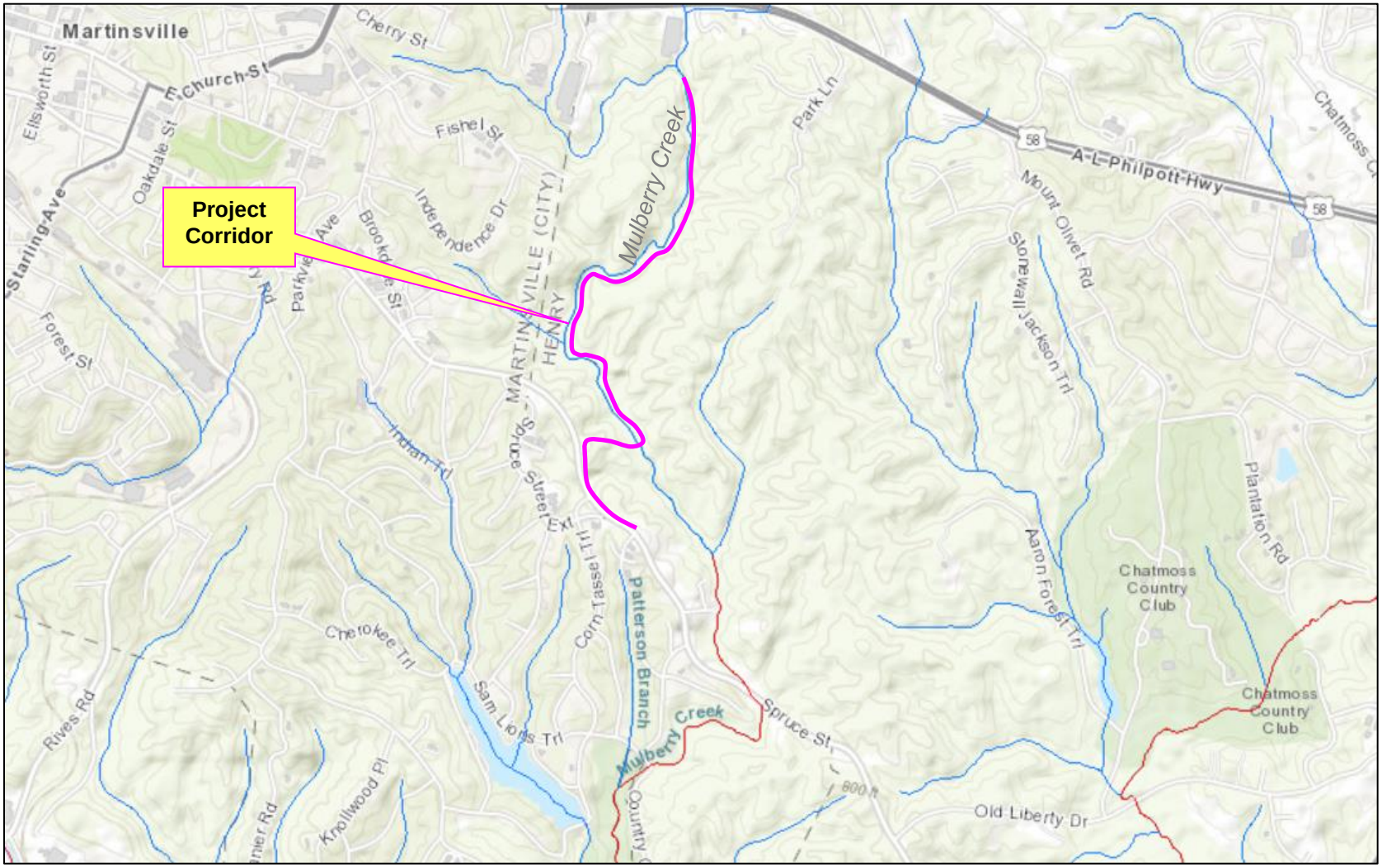
**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: Herny County, VA GIS and FEMA FIRMette system (2020), NTS*

**Figure 3**

Floodplain Map

N

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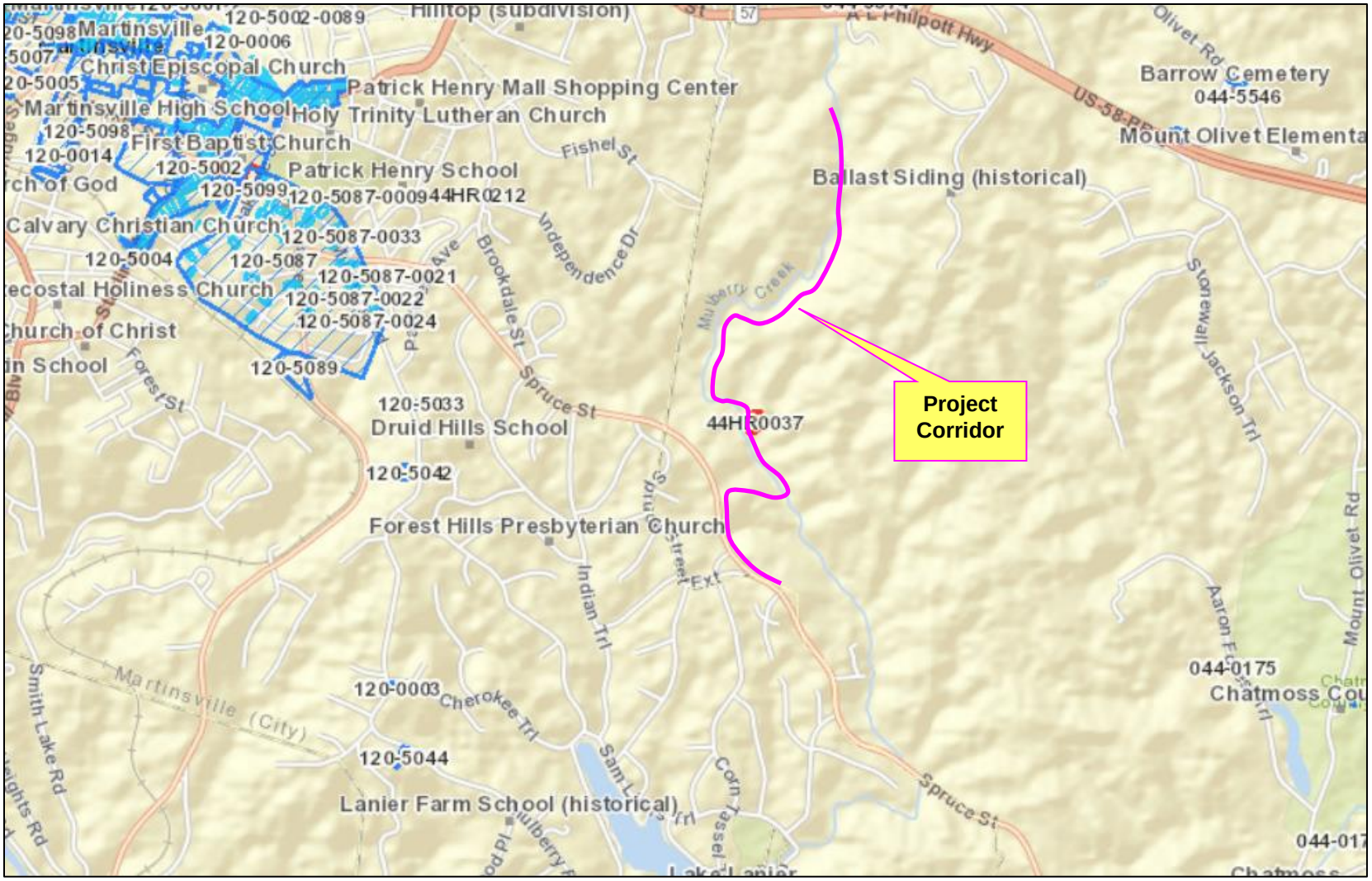
**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: VDEQ VEGIS (2020) NTS*

**Figure 4**

Topography

N

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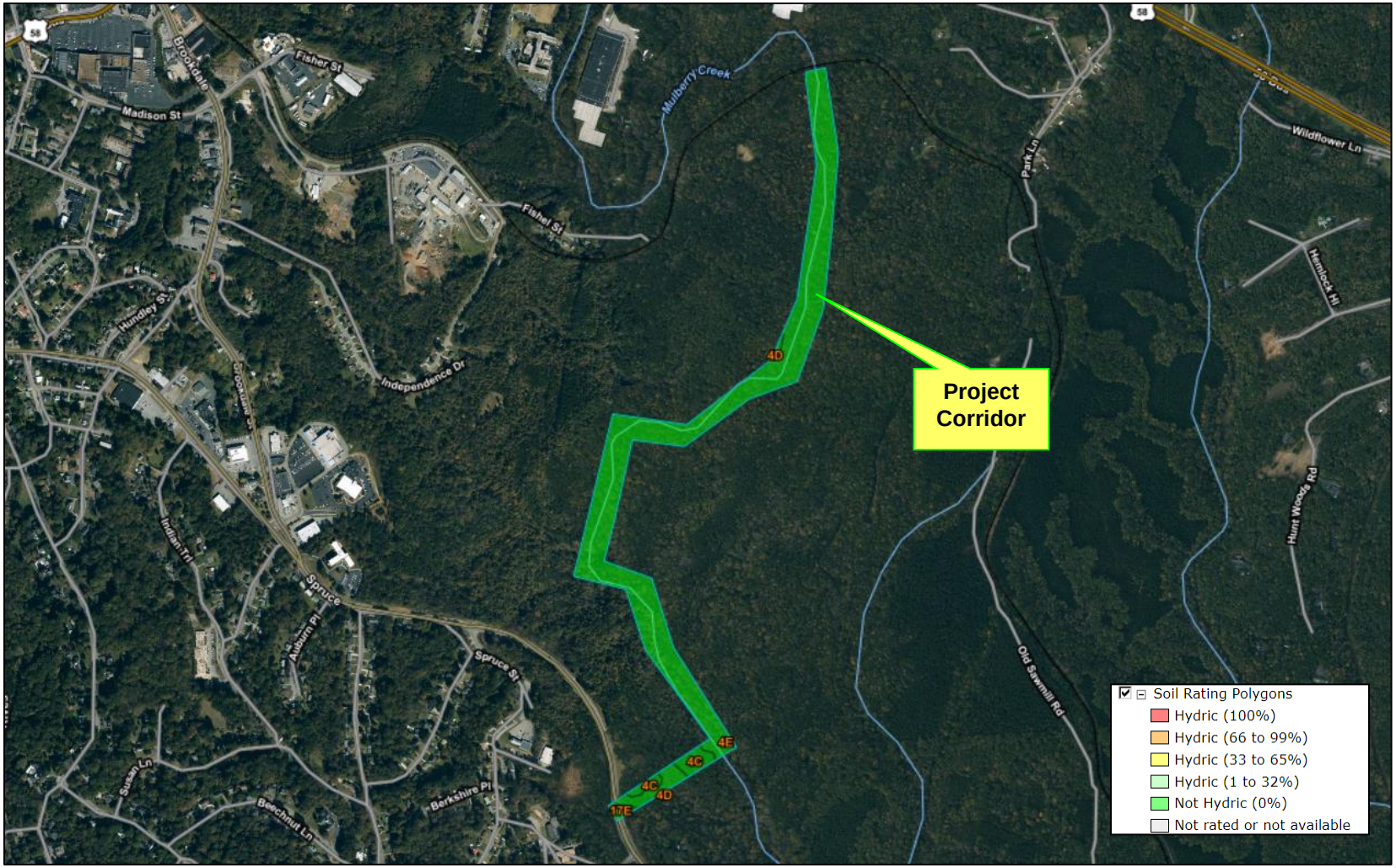
**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: VDHR V-CRIS system (2020) NTS*

**Figure 5**

Cultural Resources Map

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**Dick & Willie Passage Trail (Phase 6A)**
**Henry County, Virginia**

*Source: USDA Web Soil Survey (2020) NTS*

**Figure 6**

Hydric Soils Map

N

# ATTACHMENT C

# PHOTOGRAPHS

Photograph 1: Stream 1 crossing location (view SE)

Photograph 2: Stream 2 crossing location (view S)

Photograph 3: Stream 3 crossing location (view SE), note existing CMP culvert

Photograph 4: Stream 4 crossing location (view S), note exposed sanitary sewer line

Photograph 5: Stream 5 crossing location (view N)

Photograph 6: Stream 6 crossing location (view S)

Photograph 7: Stream 7 crossing location (view SE), note existing 10’ culvert

Photograph 8: Stream 8 crossing location (view N), no flow at crossing (some flow u/s)

Photograph 9: Wetland A crossing location (view NE)

Photograph 10: Wetland B crossing location (view N), note bare/compacted soil to left

Photograph 11: Wetland C crossing location (view NE)

Photograph 12: Wetland D crossing location (view N), note tire ruts

Photograph 13: Wetland E crossing location (view SE), note tire ruts

Photograph 14: Wetland F crossing location (view W), note tire ruts

Photograph 15: Proposed Mulberry Creek bridge crossing location (view SE)

Photograph 16: Mulberry Creek floodplain (view S, at proposed bridge location)

Photograph 17: Typical Mulberry Creek and streambanks at culvert outlet apron site (view N, u/s)

Photograph 18: Existing Phase 5 Dick & Willie Passage Trail (up-gradient, to the north)